

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY ALEXANDER JAMES,

Plaintiff,

v.

MATZGER MANAGEMENT
COMPANY,

Defendant.

No. 2:23-cv-1174-DAD-SCR

FINDINGS AND RECOMMENDATIONS

Plaintiff Anthony Alexander James is proceeding pro se in this action, which was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). On March 31, 2025, the Court granted Defendant's motion to dismiss Plaintiff's First Amended Complaint ("FAC"). ECF No. 23. Plaintiff was granted leave to amend his causes of action for negligence and violation of the Fair Housing Act, and to amend his FAC to add a cause of action for intentional infliction of emotional distress in place of his cause of action for harassment and fraud. *Id.* at 2.

The initial order set a twenty-one-day deadline for filing such a Second Amended Complaint ("SAC"). *Id.* On May 1, 2025, this Court issued a minute order for Plaintiff to show cause within 21 days as to why this case should not be dismissed for failure to prosecute by filing an SAC, or alternatively to file such SAC. ECF No. 24. To date, Plaintiff has not amended his

1 FAC or otherwise responded to the order to show cause.

2 Accordingly, **IT IS HEREBY RECOMMENDED THAT** this action be DISMISSED
3 WITHOUT PREJUDICE, for failure to state a claim.

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14)
6 days after being served with these findings and recommendations, Plaintiff may file written
7 objections with the court. Such document should be captioned “Objections to Magistrate Judge’s
8 Findings and Recommendations.” Local Rule 304(d). Plaintiff is advised that failure to file
9 objections within the specified time may waive the right to appeal the District Court’s order.
10 *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

11 DATED: June 13, 2025

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14 SEAN C. RIORDAN
15 UNITED STATES MAGISTRATE JUDGE
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